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July 14, 2022

By ECF

Hon. Louis L. Stanton, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *FTC et al. v. Quincy Bioscience Holding Co., Inc. et al.* (No. 17-cv-00124-LLS)

Dear Judge Stanton:

Plaintiff the People of the State of New York, by Letitia James, Attorney General of the State of New York (“NYAG”), respectfully submits this letter in response to Defendant Mark Underwood’s July 11, 2022 letter [Dkt. No. 276] regarding his June 23, 2022 letter-motion to seal certain material that was sent to the Court – but never filed – in connection with his Motion for Partial Summary Judgment [Dkt. No. 263].

The NYAG submits this letter to briefly address Underwood’s statement that “the NYAG itself acknowledged the proprietary nature of the Corporate Defendants’ sales data by redacting it in its . . . statement of additional material facts.” As Underwood knows, the only reason the NYAG redacted anything in connection with its opposition to his summary judgment motion was because Defendants had marked such material, or similar content, “Confidential” under the Protective Order in this matter. (*See* 5/6/22 Letter from Matuschak to Hon. Louis L. Stanton [Dkt. No. 235] (seeking to temporarily seal materials until parties could confer on the propriety of the confidentiality designations).) On May 24, 2022, the NYAG sent a letter to Defendants noting that it only designated these materials for temporary sealing in an abundance of caution. In that letter, the NYAG asked Defendants to indicate whether they would oppose the public filing of these materials. Defendants have not responded and instead, Underwood now seeks to use the NYAG’s courtesy against it.

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The NYAG wishes to make clear that its May 6 letter-motion to seal in no way signifies that the NYAG agrees that such material deserves protection from public disclosure.

Respectfully submitted,

/s/ Kate Matuschak

Kate Matuschak
Assistant Attorney General
New York State Office of the Attorney General

cc: Counsel of Record (via ECF)